

P. E. P. asks the Utah Labor Commission to reconsider its prior decision denying a portion of Ms. P.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Labor Commission exercises jurisdiction over this matter pursuant to Utah Code Ann. §63-46b-13.

BACKGROUND AND ISSUES PRESENTED

This matter arises out of Ms. P.'s claim for workers' compensation benefits from Park City Family Healthcare and its insurance carrier, Workers Compensation Fund (referred to jointly as "Healthcare" hereafter). Specifically, Ms. P. has alleged thoracic and left arm injuries caused by an accident at Healthcare on February 19, 2003.

After an evidentiary hearing, Judge La Jeunesse referred the medical aspects of Ms. P.'s claim to a medical panel. The panel concluded that Ms. P.'s thoracic problem was work related, her left arm problems were not. Judge La Jeunesse accepted the medical panel's opinion and awarded benefits only for Ms. P.'s thoracic injury.

Ms. P. then asked for Commission review of Judge La Jeunesse's decision. In her motion for review, Ms. P. urged the Commission to disregard the medical panel's opinion and to instead conclude that the preponderance of medical evidence established that her accident at Healthcare caused her left arm injuries.

On April 27, 2006, the Commission denied Ms. P.'s motion for review and upheld Judge La Jeunesse's decision. Ms. P. now asks the Commission to reconsider its decision. In support of this request for reconsideration, Ms. P. reiterates her belief that medical opinion submitted by her treating physicians and other medical experts is entitled to greater weight than the medical panel's opinion.

DISCUSSION

The Commission has considered Ms. P.'s request for reconsideration in light of the evidentiary record and the Commission's previous decision in this matter. For the reasons stated in its previous decision, the Commission continues to view the medical panel's opinions as persuasive. The Commission therefore finds no reason to modify its previous decision.

ORDER

The Commission reaffirms its previous decision and denies Ms. P.'s request for reconsideration. It is so ordered.

Dated this 29th day of June, 2006.

R. Lee Ellertson
Utah Labor Commissioner